

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Appl. No. | : | 10/590,644 | Confirmation No. | 1496 |
| Applicant | : | Kimura | | |
| Filed | : | 7/25/2008 | | |
| TC/A.U. | : | 2817 | | |
| Examiner | : | Kinkead, Arnold | | |
| Docket No. | : | SI080-P06576 | | |
| Customer No. | : | 33356 | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition under 37 C.F.R. 1.55(c)

The Commissioner is hereby petitioned to accept an unintentionally delayed claim for priority under 35 U.S.C. 119.

The above-referenced application claims priority to Japanese Patent Application No. 2004-055280, filed February 27, 2004. An Application Data Sheet containing the priority claim is enclosed.

The facts in this case are as follows:

- The application was filed August 25, 2006.
- The application was filed without an Application Data Sheet using a PTP-1390 Transmittal Letter indicating the application was a submission under 35 U.S.C. § 371 of International Application No. PCT/JP2005/002156.
- A certified copy of the priority document, Japanese Patent Application No. 2004-055280, was filed with the application.
- A claim for priority was unintentionally not included in the specification filed on August 25, 2006, or the declaration subsequently filed on July 25, 2008.
- A Nonfinal Office Action was mailed on May 17, 2010. In the Office action, the Examiner questioned the submission of the priority document in the absence of a

priority claim.

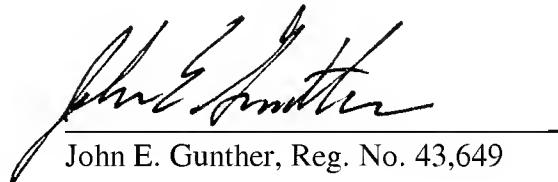
- The fact that a priority claim had not been made to Japanese Patent Application No. 2004-055280 was not recognized until review of the Office action mailed May 17, 2010.

The entire delay between the date the claim was due and the present date was unintentional.

The surcharge set forth in 37 C.F.R. 1.17(t) has been paid concurrently with this submission.

Respectfully submitted,

Date: August 11, 2010



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